

April 12, 2007 APR 16 2007

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Mitchell C. Sanders, Gerard J. Colpas, Diane L. Ellis-Busby and  
Jennifer M. Havard

Application No.: 10/576,634

Group:

PCT Filing Date: November 3, 2004

Examiner: not assigned

Confirmation No.: 4673

For: COLORIMETRIC SUBSTRATES, COLORIMETRIC SENSORS, AND  
METHODS OF USE

## CERTIFICATE OF MAILING OR TRANSMISSION

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INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment  
Commissioner for Patents  
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Sir:

This Information Disclosure Statement is submitted:



under 37 CFR 1.97(b), or

(Within any one of the following time periods: three months of filing national application (other than a CPA) or date of entry of the national stage in an international application; or before the mailing date of a first office action on the merits in a non-provisional application, including a CPA, or a Request for Continued Examination).



under 37 CFR 1.97(c) together with either:



a Statement under 37 CFR 1.97(e), as checked below, or



a \$180.00 fee under 37 CFR 1.17(p), or

(After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)



under 37 CFR 1.97(d) together with:



a Statement under 37 CFR 1.97(e), as checked below, and



a \$180.00 fee under 37 CFR 1.17(p), or

(Filed after final action or notice of allowance, whichever occurs first, but on or before payment of the issue fee)



under 37 CFR 1.97(i):

Applicant requests that the IDS and cited reference(s) be placed in the application file.

(Filed after payment of issue fee)

Statement Under 37 CFR 1.97(e)

- ☐ Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Statement Under 37 CFR 1.704(d) (Patent Term Adjustment)

*Applies to original applications (other than design) filed on or after May 29, 2000*

- ☐ Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.
- ☒ Enclosed herewith is form PTO-1449:
- ☒ Copies of the cited references are enclosed.
- ☒ Copies of issued U.S. patents and published U.S. applications are not required and are not being provided.
- ☐ Copies of the cited references are enclosed except those entered in prior application, U.S. Application No. [ ], to which priority under 35 U.S.C. 120 is claimed. **[OPTIONAL]** [The earlier application contains copies of the cited references.]
- ☐ The listed references were cited in the enclosed International Search Report in a counterpart foreign application.
- ☒ The "concise explanation" requirement (non-English references) for reference(s) B4 under 37 CFR 1.98(a)(3) is satisfied by:
- ☐ the explanation provided on the attached sheet.
- ☐ the explanation provided in the Specification.
- ☐ submission of the enclosed International Search Report.
- ☐ submission of the enclosed English-language version of a foreign Search Report and/or foreign Office Action.
- ☒ the enclosed English language abstract.

- ☐ Applicant requests that the following non-published pending applications be considered:  
(Affix a label or apply the stamp "Non-Published IDS Reference - Do Not Scan" to the front of each unpublished pending appl'n.)

Examiner's  
Initials

\_\_\_\_ U.S. Patent Application No. [ ], by [inventor(s)], filed [ ], Docket No.: [ ]  
\_\_\_\_ U.S. Patent Application No. [ ], by [inventor(s)], filed [ ], Docket No.: [ ]  
\_\_\_\_ U.S. Patent Application No. [ ], by [inventor(s)], filed [ ], Docket No.: [ ]

\_\_\_\_\_  
Examiner

\_\_\_\_\_  
Date

- ☐ A copy of each above-cited application, including the current claims, is enclosed, except any application filed on or after June 30, 2003, which has been scanned into the PTO's Image File Wrapper (IFW) system and is available to the examiner.
- ☐ A copy of each above-cited application, including the current claims, is enclosed, except those entered in prior application, U.S. Application No. [ ], to which priority under 35 U.S.C. 120 is claimed.

The Examiner is requested to return a copy of the above list of pending applications indicating which references were considered with the next office communication.

It is requested that the information disclosed herein be made of record in this application.

Method of payment:

- ☐ A check for the fee noted above is enclosed, or the fee has been included in the check with the accompanying Reply. A copy of this Statement is enclosed.
- ☐ Please charge Deposit Account 08-0380 in the amount of \$[ ]. A copy of this Statement is enclosed.
- ☒ Please charge any deficiency in fees and credit any overpayment to Deposit Account 08-0380.

Respectfully submitted,

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Dated: April 12, 2007

PTO-1449 REPRODUCED <b>INFORMATION DISCLOSURE STATEMENT</b> <b>IN AN APPLICATION</b> April 12, 2007 (Use several sheets if necessary)	ATTORNEY DOCKET NO. 3265.1011-004	APPLICATION NO. 10/576,634	
	FIRST NAMED INVENTOR Mitchell C. Sanders	PCT FILING DATE November 3, 2004	
	EXAMINER not assigned	CONFIRMATION NO. 4673	GROUP

### U.S. PATENT DOCUMENTS

EXAM- -INER INI- TIAL	REF. NO.	DOCUMENT NUMBER Number-Kind Code (if known)	ISSUE DATE / PUBLICATION DATE MM-DD-YYYY	NAME OF PATENTEE OR APPLICANT OF CITED DOCUMENT
	A1	US 2005/0142622 A1	06-30-2005	Sanders, <i>et al.</i>

### FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER Country Code-Number-Kind Code (if known)	DATE MM-DD-YYYY	NAME OF PATENTEE OR APPLICANT OF CITED DOCUMENT	TRANSLATION YES NO	
	B1	WO 03 063693 A2	08-07-2003	Expressive Constructs, Inc.		
	B2	WO 02 06821 A2	01-24-2002	Hansa Medical AB		
	B3	WO 2005/042771 A2	05-12-2005	Ethicon, Inc., <i>et al.</i>		
	B4	WO 99/38995 A1	08-05-1999	Bio Merieux		X
	B5	0 122 028 A1	10-17-1984	E-Y Laboratories, Inc.		

### OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	C1	Yolken, Robert H., "Enzymic Analysis for Rapid Detection of Microbial Infection in Human Body Fluids: An Overview," Clin. Chem. 27(9): 1490-1498 (1981)

EXAMINER	DATE CONSIDERED
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